

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

TAVARRES HENDERSON,  
a.k.a. Juhiv Ali Muhammed,

Plaintiff,

v.

CV 121-179

ATTORNEY GENERAL CHRISTOPHER  
M. CARR; GEORGIA DEPT OF PUBLIC  
SAFETY; THERMAL CERANMIC  
PROPANE INC.; and, DISTRICT  
ATTORNEY JOSHUA B. SMITH,

Defendants.

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**ORDER**

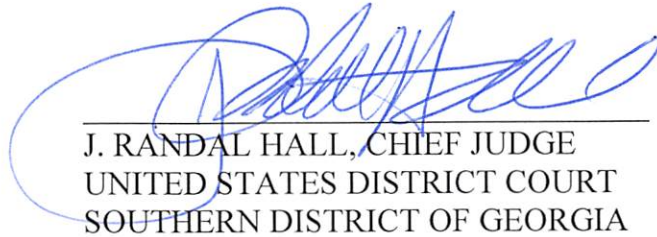
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After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation ("R&R"), to which no objections have been filed. Notably, Plaintiff has filed a notice of appeal from the R&R, a nonfinal order. (Doc. no. 6; see doc. no. 4.) An appeal taken, as here, from a non-appealable order, does not divest the district court of its jurisdiction over the matter. United States v. Riolo, 398 F. App'x 568, 571 (11th Cir. 2010) (*per curiam*) (citing United States v. Hitchmon, 602 F.2d 689, 691 (5th Cir. 1979)(*en banc*)); see also Garcia v. JP Morgan Chase, No. 1:11-CV-2149-AT, 2012 WL 13008803, at \*1 (N.D. Ga. Mar. 9, 2012).

Accordingly, the Court **ADOPTS** the R&R of the Magistrate Judge as its opinion, **DENIES** Plaintiff's request to proceed *in forma pauperis* ("IFP"), (doc. no. 2), **DENIES**

Plaintiff's motion for appointment of counsel, (doc. no. 3), **DISMISSES** this case without prejudice, and **CLOSES** this civil action. If Plaintiff wishes to proceed with the claims raised in this lawsuit, he must initiate a new lawsuit, which would require submission of a new complaint. See Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir. 2002).

SO ORDERED this 18<sup>th</sup> day of January, 2022, at Augusta, Georgia.



J. RANDAL HALL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA